

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70364 of 2022

Arising Out of PS. Case No.-371 Year-2022 Thana- JAGDISHPUR District- Bhojpur

1. NITISH KUMAR Son of Krishna Mistri R/v- Narahi P.S.- Kurtha Dist-Arwal
2. NIRMAL CHAURASIYA Son of Gopal Chaurasiya R/v- Kali Mahal Near Kali Mandir ward no. 7, P.S.- Mughalsarai, Dist- Chandauli (UP)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Adv
		Ms. Priyanka Singh, Adv
For the Opposite Party/s	:	Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioners and learned APP for the State.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners seek bail in connection with Jagdishpur P.S. Case No. 371 of 2022 registered under Sections 420, 465, 467, 468 and 120B of Indian Penal Code and Section 30(a), 32(i)(ii), 36, 38 and 41 of Bihar Prohibition and Excise Amendment Act, 2018.

There is recovery of 1101.660 litres Indian Made Foreign Liquor from a cavity beneath the sitting area of the bus in question, from where the petitioners along with one co-accused have been arrested.

Learned senior counsel for the petitioners submits that as per



FIR, the bus belongs to someone else. The petitioners were not knowing about the concealed liquor and thus have become victim of the circumstances. Having no criminal antecedents, they are in custody since 01.08.2022. Investigation is complete.

Learned APP has opposed the prayer for bail.

Having regard to the manner of recovery, the submissions advanced by the parties, the period of custody and the fact that investigation is complete, this Court is inclined to allow the petitioners' prayer for bail. Prayer for bail of the petitioners is allowed.

Let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned court of Exclusive Special Judge Court No. 1, Bhojpur at Ara in Jagdishpur P.S. Case No. 371 of 2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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